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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,787	02/14/2002	David P. Lobeck	DL01	2195

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EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

# Office Action Summary

Application No.

09/683,787

Applicant(s)

LOBECK, DAVID P.

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

**Drawings**

The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit new drawings will result in **ABANDONMENT** of the application.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: in figure 2, speaker 9, wires 10, printed circuit board 11 switch 12, metal ferrule 16 and metal spring 17 are not illustrated in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

**Claim Objections**

Claims 1-20 are objected to because of the following informalities: the claims should not be numbered [c1], [c2], [c3]...[cn], they should be numbered 1, 2, 3...n. Appropriate correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 8, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pacheco (USPN 5,735,751).

Pacheco discloses a golf practice device comprising a body that contains an on-off switch for turning the device on and off, at least one battery, a sound generator that presents a sound when energized by the battery wherein the sound generator is an integrated circuit for generating an electrical signal and a speaker for converting the electrical signal into sound, and a sensor switch that closes an electrical circuit connecting the battery to the display generator when the device is struck by a golf ball coming from any direction by disclosing in col. 2:56-67 & col. 3:1-21, figure 1 illustrates the putting target from the golfer's perspective. Four flexible, molded pressure bars encircle the top of the target. These pressure bars are designed so they can be depressed when the weight of a putted golf ball passes over them. The base of the target holds a printed circuit board. The components on the printed circuit board include the open circuits, a lithium battery, a battery holder and sound synthesizer. The lithium battery activates the sound synthesizer when one of the open circuits is closed.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 14, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco in view of Lee (USPN 5,584,768).

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The disclosure of Pacheco has been discussed above and is, therefore, incorporated herein. However, Pacheco lacks in disclosing the bottom of the body is attached to a pin that can be pushed into the ground, and a method of improving putting accuracy comprising inserting the pin of a golf practice device into a putting green and putting golf balls at the golf practice device. Lee, in an analogous golf ball putting aid, teaches, in col. 2:39-61 & fig. 6, the *pin* includes a round stand plate attached to the *pin* in a right angle for stopping against the ground or a kind of carpet material when the pin is inserted. The pin of the golf ball putting aid is *driven* into the *ground* such as a *golf green*. As shown in figure 4, when a practicing golfer putts the golf ball by using the head of a golf putter, the golf ball if hit correct, hits the bell of the golf ball putting aid. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Lee into the disclosed invention of Pacheco. One would be motivated to combine the teachings of Lee with the disclosed invention of Pacheco in order to, facilitate golf players in securely inserting the golf practice device into the ground or other surfaces.

Claims 3, 12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco in view of Irving (USPN 5,259,622).

The disclosure of Pacheco has been discussed above and is, therefore, incorporated herein. Pacheco also discloses a method of improving putting accuracy comprising placing a golf practice device on a carpet and putting golf balls at the golf practice device by disclosing in col. 3:25-28, the golfer places putting target on the outdoor practice green or indoor carpet in a desired location. Then the golfer sets up a putt on the target. As the ball rolls over the target, it depresses flexible molded pressure bars. However, Pacheco lacks in disclosing the bottom of the body is attached to a material made of small hooks, whereby the golf practice device can be

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releasably attached to a fabric. Irving teaches, in col. 4:36-50 & fig. 4, as seen in figs. 1, 2, and 3, artificial turf may be provided on an upper surface of the platform for attempted realism. In such an instance, a circular portion of the turf may be removed, as seen in fig. 1, to receive the base of the tee to allow the base to be suitably fastened directly to the upper surface of the platform.

While the base may be attached to the upper surface by means of a suitable adhesive, it would be preferable for the tee to be capable of removal from the platform, permitting its replacement. In such an instance, hook and loop fastening material such as that sold under the trademark "VELCRO" may be used as seen in fig. 4. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Irving into the disclosed invention of Pacheco. One would be motivated to combine the teachings of Irving with the disclosed invention of Pacheco in order to, allow golf player to easily attach and remove the golfer practice device from carpet (fabric).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco (USPN 5,735,751).

The disclosure of Pacheco has been discussed above and is, therefore, incorporated herein. However, Pacheco lacks in disclosing the sound is that of a ball falling into a cup or a human voice. As discussed above, Pacheco discloses a sound synthesizer that produces a sound when the golf ball hits the target (col. 3:25-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the sound of a ball falling into a cup or a human voice into Pacheco's sound synthesizer. One would be motivated to implement the sound of a ball falling into a cup or a human voice into Pacheco's sound synthesizer in order to, diversify the selection of sounds that can be heard by Pacheco's sound synthesizer.

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Claims 7, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco in view of Knapp (USPN 3,972,531).

The disclosure of Pacheco has been discussed above and is, therefore, incorporated herein. However, Pacheco lacks in disclosing a light and the sensor switch is a metal spring mounted inside a metal ferrule, so that the metal spring contacts the metal ferrule when the golf practice device is struck by a golf ball. Knapp teaches, in col. 5:29-33, col. 32-14 & fig. 3, once the lamp has been energized to indicate the particular segment which has been struck by the bullet, it is desirable that the lamp be extinguished by the resetting of the particular circuit which has been triggered. Also attached to the rear surface of each target sector are two spring contacts and which extend perpendicularly rearwardly from the rear surface of plate where each of the contacts terminates in a right angle contact tab. Slight physical clearance is provided between contacts when the segment to which they are mounted is in a rest position, but in the presence of vibratory motion of the segment relative to plate as produced by the impact of a projectile, at least one contact or both and conducting surface layer of plate. Although Knapp does not explicitly mention a "metal ferrule", the components employed by Knapp provide the exact same function. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was to incorporate the teachings of Knapp into the disclosed invention of Pacheco. One would be motivated to combine the teachings of Knapp with the disclosed invention of Pacheco in order to, provide a visual indication to the golf player when the golf putting aid has been hit, and present another manner of activating the golf putting aid when the golf ball strikes the sensor.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco in view of Knapp in further view of Lee.

The disclosures of Pacheco and Knapp have been discussed above and are, therefore, incorporated herein. However, Pacheco and Knapp lack in disclosing the bottom of the body is attached to a pin that can be pushed into the ground, and a method of improving putting accuracy comprising inserting the pin of a golf practice device into a putting green and putting golf balls at the golf practice device. Lee, in an analogous golf ball putting aid, teaches, in col. 2:39-61 & fig. 6, the *pin* includes a round stand plate attached to the *pin* in a right angle for stopping against the ground or a kind of carpet material when the pin is inserted. The pin of the golf ball putting aid is *driven* into the *ground* such as a *golf green*. As shown in figure 4, when a practicing golfer putts the golf ball by using the head of a golf putter, the golf ball if hit correct, hits the bell of the golf ball putting aid. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Lee into the disclosed inventions of Pacheco and Knapp. One would be motivated to combine the teachings of Lee with the disclosed invention of Pacheco in order to, facilitate golf players in securely inserting the golf practice device into the ground or other surfaces.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pacheco in view of Knapp in further view of Irving.

The disclosures of Pacheco and Knapp have been discussed above and are, therefore, incorporated herein. However, Pacheco and Knapp lack in disclosing the bottom of the body is attached to a material made of small hooks, whereby the golf practice device can be releasably attached to a fabric. Irving teaches, in col. 4:36-50 & fig. 4, as seen in figs. 1, 2, and 3, artificial



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turf may be provided on an upper surface of the platform for attempted realism. In such an instance, a circular portion of the turf may be removed, as seen in fig. 1, to receive the base of the tee to allow the base to be suitably fastened directly to the upper surface of the platform.

While the base may be attached to the upper surface by means of a suitable adhesive, it would be preferable for the tee to be capable of removal from the platform, permitting its replacement. In such an instance, hook and loop fastening material such as that sold under the trademark "VELCRO" may be used as seen in fig. 4. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Irving into the disclosed invention of Pacheco. One would be motivated to combine the teachings of Irving with the disclosed invention of Pacheco in order to, allow golf player to easily attach and remove the golfer practice device from carpet (fabric).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to golf practice devices:

USPN 4,925,191 Ogilvie discloses a putting target.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Martin-Wallace, can be reached at (703) 308-1148.

*RM*

RM

February 10, 2003

*V. Martin-Wallace*

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